

SENATE BILL No. 88

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 13-21.

Synopsis: Solid waste management district taxing power. Provides the following: (1) A solid waste management district (district) shall submit the district's proposed budget for the 2018 budget year and thereafter to the executive and the fiscal body of each county and municipality located within the district. (2) The fiscal body of each county that is participating in the district shall for the 2018 budget year and thereafter determine the amount of funding from all sources that the county will provide to the district for that budget year. (3) A district may not levy a property tax that is first due and payable after 2017 (other than a property tax for pre-existing debt). (4) A district may not impose a fee or charge that is first due and payable after 2017 and that is a flat charge for each residence or building in use in the county or that is otherwise imposed on a uniform basis on all residents or property owners. Permits a county to impose solid waste management fees after 2017 that are a flat charge or that are otherwise imposed on a uniform basis. Provides that after June 30, 2016, a district may not issue waste management district bonds.

Effective: July 1, 2016.

Kenley

January 5, 2016, read first time and referred to Committee on Environmental Affairs.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 88

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-1.1-17-20, AS AMENDED BY P.L.257-2013,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 20. (a) This section applies to each governing
4 body of a taxing unit that is not comprised of a majority of officials
5 who are elected to serve on the governing body. For purposes of this
6 section, an individual who qualifies to be appointed to a governing
7 body or serves on a governing body because of the individual's status
8 as an elected official of another taxing unit shall be treated as an
9 official who was not elected to serve on the governing body.
10 (b) As used in this section, "taxing unit" has the meaning set forth
11 in IC 6-1.1-1-21, except that the term does not include a public library
12 or an entity whose tax levies are subject to review and modification by
13 a city-county legislative body under IC 36-3-6-9.
14 (c) If:
15 (1) the assessed valuation of a taxing unit is entirely contained
16 within a city or town; or
17 (2) the assessed valuation of a taxing unit is not entirely contained



within a city or town but:

(A) the taxing unit was originally established by the city or town; or

(B) the majority of the individuals serving on the governing body of the taxing unit are appointed by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a taxing unit fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that taxing unit are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

(h) The following apply in the case of a solid waste management district subject to IC 13-21:

(1) The district shall submit a copy of the district's proposed budget for the 2018 budget year and thereafter to:

(A) the executive; and

(B) the fiscal body;

of each county and municipality located within the district.

(2) The county fiscal body of each county that is participating in the district shall for the 2018 budget year and each budget year thereafter determine the amount of funding from all sources that the county will provide to the district for that budget year. Each county fiscal body making a determination



under this subdivision shall before August 15 of each year notify the district of the amount of funding from all sources that the county will provide to the district for the budget year beginning on January 1 of the following year.

(3) Except as provided in IC 13-21-7-1(d), a district may not levy a property tax that is first due and payable after December 31, 2017.

(4) After December 31, 2017, a district may not impose a fee or charge:

(A) that is a flat charge for each residence or building in use in the county; or

(B) that is otherwise imposed on a uniform basis on all residents or property owners.

SECTION 2. IC 6-1.1-18-12, AS AMENDED BY P.L.232-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5;

(2) a general reassessment of real property under IC 6-1.1-4-4; or

(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;

(2) IC 8-22-3-11;

(3) IC 8-22-3-25;

(4) IC 12-29-1-1;

(5) IC 12-29-1-2;

(6) IC 12-29-1-3;

(7) IC 12-29-3-6;

(8) IC 13-21-3-12 (for property taxes first due and payable before January 1, 2018);

(9) IC 13-21-3-15 (for property taxes first due and payable



1 **before January 1, 2018);**
 2 (10) IC 14-27-6-30;
 3 (11) IC 14-33-7-3;
 4 (12) IC 14-33-21-5;
 5 (13) IC 15-14-7-4;
 6 (14) IC 15-14-9-1;
 7 (15) IC 15-14-9-2;
 8 (16) IC 16-20-2-18;
 9 (17) IC 16-20-4-27;
 10 (18) IC 16-20-7-2;
 11 (19) IC 16-22-14;
 12 (20) IC 16-23-1-29;
 13 (21) IC 16-23-3-6;
 14 (22) IC 16-23-4-2;
 15 (23) IC 16-23-5-6;
 16 (24) IC 16-23-7-2;
 17 (25) IC 16-23-8-2;
 18 (26) IC 16-23-9-2;
 19 (27) IC 16-41-15-5;
 20 (28) IC 16-41-33-4;
 21 ~~(29) IC 20-46-2-3 (before its repeal on January 1, 2009);~~
 22 ~~(30) (29) IC 20-46-6-5;~~
 23 ~~(31) (30) IC 20-49-2-10;~~
 24 ~~(32) (31) IC 36-1-19-1;~~
 25 ~~(33) (32) IC 23-14-66-2;~~
 26 ~~(34) (33) IC 23-14-67-3;~~
 27 ~~(35) (34) IC 36-7-13-4;~~
 28 ~~(36) (35) IC 36-7-14-28;~~
 29 ~~(37) (36) IC 36-7-15.1-16;~~
 30 ~~(38) (37) IC 36-8-19-8.5;~~
 31 ~~(39) (38) IC 36-9-6.1-2;~~
 32 ~~(40) (39) IC 36-9-17.5-4;~~
 33 ~~(41) (40) IC 36-9-27-73;~~
 34 ~~(42) (41) IC 36-9-29-31;~~
 35 ~~(43) (42) IC 36-9-29.1-15;~~
 36 ~~(44) (43) IC 36-10-6-2;~~
 37 ~~(45) (44) IC 36-10-7-7;~~
 38 ~~(46) (45) IC 36-10-7-8;~~
 39 ~~(47) (46) IC 36-10-7.5-19;~~
 40 ~~(48) (47) IC 36-10-13-5;~~
 41 ~~(49) (48) IC 36-10-13-7;~~
 42 ~~(50) (49) IC 36-10-14-4;~~



1 ~~(51)~~ **(50)** IC 36-12-7-7;
 2 ~~(52)~~ **(51)** IC 36-12-7-8;
 3 ~~(53)~~ **(52)** IC 36-12-12-10;
 4 ~~(54)~~ **(53)** a statute listed in IC 6-1.1-18.5-9.8; and
 5 ~~(55)~~ **(54)** any statute enacted after December 31, 2003, that:
 6 (A) establishes a maximum rate for any part of the:
 7 (i) property taxes; or
 8 (ii) special benefits taxes;
 9 imposed by a political subdivision; and
 10 (B) does not exempt the maximum rate from the adjustment
 11 under this section.
 12 (e) For property tax rates imposed for property taxes first due and
 13 payable after December 31, 2013, the new maximum rate under a
 14 statute listed in subsection (d) is the tax rate determined under STEP
 15 EIGHT of the following STEPS:
 16 STEP ONE: Except as provided in subsection (g), determine the
 17 maximum rate for the political subdivision levying a property tax
 18 or special benefits tax under the statute for the previous calendar
 19 year.
 20 STEP TWO: Determine the actual percentage change (rounded to
 21 the nearest one-hundredth percent (0.01%)) in the assessed value
 22 of the taxable property from the previous calendar year to the year
 23 in which the affected property taxes will be imposed.
 24 STEP THREE: Determine the three (3) calendar years that
 25 immediately precede the year in which the affected property taxes
 26 will be imposed.
 27 STEP FOUR: Compute separately, for each of the calendar years
 28 determined in STEP THREE, the actual percentage change
 29 (rounded to the nearest one-hundredth percent (0.01%)) in the
 30 assessed value (before the adjustment, if any, under
 31 IC 6-1.1-4-4.5) of the taxable property from the preceding year.
 32 STEP FIVE: Divide the sum of the three (3) quotients computed
 33 in STEP FOUR by three (3).
 34 STEP SIX: Determine the greater of the following:
 35 (A) Zero (0).
 36 (B) The STEP FIVE result.
 37 STEP SEVEN: Determine the greater of the following:
 38 (A) Zero (0).
 39 (B) The result of the STEP TWO percentage minus the STEP
 40 SIX percentage, if any.
 41 STEP EIGHT: Determine the quotient of the STEP ONE tax rate
 42 divided by the sum of one (1) plus the STEP SEVEN percentage,



1 if any.

2 (f) The department of local government finance shall compute the
3 maximum rate allowed under subsection (e) and provide the rate to
4 each political subdivision with authority to levy a tax under a statute
5 listed in subsection (d).

6 (g) This subsection applies only when calculating the maximum rate
7 for taxes due and payable in calendar year 2013. The STEP ONE result
8 is the greater of the following:

9 (1) The actual maximum rate established for property taxes first
10 due and payable in calendar year 2012.

11 (2) The maximum rate that would have been established for
12 property taxes first due and payable in calendar year 2012 if the
13 maximum rate had been established under the formula under this
14 section, as amended in the 2012 session of the general assembly.

15 (h) This subsection applies only when calculating the maximum rate
16 allowed under subsection (e) for the Vincennes Community School
17 Corporation with respect to property taxes first due and payable in
18 2014. The subsection (e) STEP ONE result for the school corporation's
19 capital projects fund is nineteen and forty-two hundredths cents
20 (\$0.1942).

21 (i) This subsection does not apply when calculating the maximum
22 rate for the Vincennes Community School Corporation. This subsection
23 applies only when calculating the maximum rate for a school
24 corporation's capital projects fund for taxes due and payable in calendar
25 year 2016. The subsection (e) STEP ONE result for purposes of the
26 calculation of that maximum rate is the greater of the following:

27 (1) The actual maximum rate established for the school
28 corporation's capital projects fund for property taxes first due and
29 payable in calendar year 2015.

30 (2) The maximum rate that would have been established for the
31 school corporation's capital projects fund for property taxes first
32 due and payable in calendar year 2015 if the formula specified in
33 subsection (e) had been in effect for the determination of
34 maximum rates for each calendar year after 2006.

35 SECTION 3. IC 13-21-3-12, AS AMENDED BY P.L.83-2015,
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2016]: Sec. 12. (a) Except as provided in section 14.5 of this
38 chapter and subject to subsection (b), the powers of a district include
39 the following:

40 (1) The power to develop and implement a district solid waste
41 management plan under IC 13-21-5.

42 (2) The power to impose district fees on the final disposal of solid



waste within the district under IC 13-21-13.

(3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(4) The power to sue and be sued.

(5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.

(6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

(A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.

(B) The managing or disposal of solid waste.

(C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) For property taxes first due and payable before January 1, 2018, the power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this



chapter **(before their expiration on January 1, 2018)**, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of **any of the following:**

(A) Property taxes to be imposed by the district that are first due and payable before 2018.

(B) Revenue from sources other than property taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution. **The power to adopt a resolution under this subdivision does not authorize a district to:**

(A) levy a property tax that is first due and payable after December 31, 2017, except as provided in IC 13-21-7-1(d);

or

(B) impose a fee or charge prohibited by subsection (e).

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments



- 1 contained in a grant application.
- 2 (19) The power to enter into an interlocal cooperation agreement
- 3 under IC 36-1-7 to obtain:
- 4 (A) fiscal;
- 5 (B) administrative;
- 6 (C) managerial; or
- 7 (D) operational;
- 8 services from a county or municipality.
- 9 (20) The power to compensate advisory committee members for
- 10 attending meetings at a rate determined by the board.
- 11 (21) The power to reimburse board and advisory committee
- 12 members for travel and related expenses at a rate determined by
- 13 the board.
- 14 (22) The power to pay a fee from district money to:
- 15 (A) in a joint district, the county or counties in which a final
- 16 disposal facility is located; or
- 17 (B) a county that:
- 18 (i) was part of a joint district;
- 19 (ii) has withdrawn from the joint district as of January 1,
- 20 2008; and
- 21 (iii) has established its own district in which a final disposal
- 22 facility is located.
- 23 (23) The power to make grants or loans of:
- 24 (A) money;
- 25 (B) property; or
- 26 (C) services;
- 27 to public or private recycling programs, composting programs, or
- 28 any other programs that reuse any component of the waste stream
- 29 as a material component of another product, if the primary
- 30 purpose of activities undertaken under this subdivision is to carry
- 31 out the provisions of this article.
- 32 (24) The power to establish by resolution a nonreverting capital
- 33 fund. A district's board may appropriate money in the fund for:
- 34 (A) equipping;
- 35 (B) expanding;
- 36 (C) modifying; or
- 37 (D) remodeling;
- 38 an existing facility. Expenditures from a capital fund established
- 39 under this subdivision must further the goals and objectives
- 40 contained in a district's solid waste management plan. Not more
- 41 than five percent (5%) of the district's total annual budget for the
- 42 year may be transferred to the capital fund that year. The balance



in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

(A) the district's solid waste management plan; and

(B) the objectives of minimum educational standards established by the department of environmental management.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

(i) mercury commodities; and

(ii) mercury-added products; and

(B) collection programs available to the public for:

(i) mercury commodities; and

(ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

(A) reuse and recycling of electronic waste;

(B) collection programs available to the public for the disposal of electronic waste; and

(C) proper disposal of electronic waste.

(b) Before the county district of a county that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) may exercise a power set forth in subsection (a) to:

(1) enter into a contract or other agreement to construct a final disposal facility;

(2) enter into an agreement for the leasing of a final disposal facility;

(3) sell or lease a final disposal facility; or

(4) borrow in anticipation of taxes;

the county district must submit a recommendation to the county executive of the county concerning the county district's proposed exercise of the power, subject to subsections (c) and (d).



(c) In response to a recommendation submitted under subsection (b), the county executive may adopt a resolution:

(1) confirming the authority of the county district to exercise the power or powers referred to in subsection (b), as proposed in the recommendation; or

(2) denying the county district the authority to exercise the power or powers as proposed in the recommendation;

subject to subsection (d).

(d) The county district may exercise one (1) or more powers referred to in subsection (b), as proposed in a recommendation submitted to the county executive under subsection (b), if:

(1) the county executive, in response to the recommendation, adopts a confirming resolution under subsection (c)(1) authorizing the county district to exercise the power or powers; or

(2) the county executive adopts no resolution under subsection (c) within forty-five (45) calendar days after the day on which the county district submits the recommendation to the county executive under subsection (b).

(e) A district may not do any of the following:

(1) Except as provided in IC 13-21-7-1(d), levy a property tax that is first due and payable after December 31, 2017.

(2) Impose a fee or charge that is first due and payable after December 31, 2017, and that:

(A) is a flat charge for each residence or building in use in the county; or

(B) is otherwise imposed on a uniform basis on all residents or property owners.

SECTION 4. IC 13-21-3-15, AS AMENDED BY P.L.119-2012, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) A district located in a county having a population of more than thirty-three thousand five hundred (33,500) but less than thirty-four thousand (34,000) may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district establishes that all of the following conditions exist:

(1) The district is in the process of constructing a landfill.

(2) A higher property tax rate is necessary to pay the fees charged by out of county landfills to dispose of solid waste generated in the district during the design and construction phases of the landfill being established by the district.

(b) The procedure applicable to maximum levy appeals under



1 IC 6-1.1-18.5 applies to an appeal under this section. Any additional
 2 levy granted under this section may not exceed seven and thirty-three
 3 hundredths cents (\$0.0733) on each one hundred dollars (\$100) of
 4 assessed valuation of property in the district.

5 (c) The department of local government finance shall establish the
 6 tax rate if a higher tax rate is permitted.

7 (d) A property tax rate imposed under this section expires not later
 8 than December 31, 1997.

9 **(e) This section expires January 1, 2018.**

10 SECTION 5. IC 13-21-3-15.5, AS AMENDED BY P.L.146-2008,
 11 SECTION 423, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2016]: Sec. 15.5. (a) A district may appeal to
 13 the department of local government finance to have a property tax rate
 14 in excess of the rate permitted by section 12 of this chapter. The appeal
 15 may be granted if the district with respect to 2001 property taxes
 16 payable in 2002:

17 (1) imposed the maximum property tax rate established under
 18 section 12 of this chapter; and

19 (2) collected property tax revenue in an amount less than the
 20 maximum permissible ad valorem property tax levy determined
 21 for the district under IC 6-1.1-18.5.

22 (b) The procedure applicable to maximum levy appeals under
 23 IC 6-1.1-18.5 applies to an appeal under this section.

24 (c) An additional levy granted under this section may not exceed the
 25 rate calculated to result in a property tax levy equal to the maximum
 26 permissible ad valorem property tax levy determined for the district
 27 under IC 6-1.1-18.5.

28 (d) The department of local government finance shall establish the
 29 tax rate if a higher tax rate is permitted.

30 **(e) This section expires January 1, 2018.**

31 SECTION 6. IC 13-21-3-16, AS AMENDED BY P.L.189-2005,
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2016]: Sec. 16. (a) The requirements of this section:

34 (1) are in addition to the requirements set forth in
 35 IC 6-1.1-18.5-7(b); and

36 (2) do not apply to a district that:

37 (A) owns a landfill;

38 (B) will use property tax revenue to:

39 (i) construct a new landfill cell; or

40 (ii) close a landfill cell;

41 at the landfill; and

42 (C) has received approval from the county fiscal body of the



1 county in which the landfill is located to construct or close the
2 landfill cell.

3 (b) **Subject to IC 13-21-7-1(c)**, to be eligible to include within the
4 district's budget for the following year tax revenue derived from the
5 imposition of a property tax, the first year that a property tax will be
6 imposed and any subsequent year in which the proposed tax levy will
7 increase by five percent (5%) or more, a board must present identical
8 resolutions to each of the county fiscal bodies within the district
9 seeking approval for the use of property tax revenue within the district.
10 The resolution must state the proposed property tax levy and the
11 proposed use of the revenue. The resolution must be stated so that:

12 (1) a "yes" vote indicates approval of the levy and the proposed
13 use of property tax revenue within the district; and

14 (2) a "no" vote indicates disapproval of the levy and the proposed
15 use of property tax revenue within the district.

16 (c) For a resolution described in subsection (b) to be approved by
17 the county fiscal body:

18 (1) the county fiscal body must record the vote taken on the
19 resolution under subsection (b) before May 1 of the year in which
20 the vote was taken; and

21 (2) the recorded vote must indicate approval of the use of property
22 tax revenue within the district.

23 (d) If all of the county fiscal bodies within a district do not record
24 the approval described in subsection (c) before May 1 of the year in
25 which the vote under subsection (b) was taken, the board may not:

26 (1) impose; or

27 (2) include within the budget of the board;

28 a property tax for the year following the year in which the vote was
29 taken.

30 (e) Notwithstanding subsection (d), **and subject to section 12(e) of**
31 **this chapter**, after the first year a tax is imposed under this section, the
32 resolution required by subsection (b) for a district that is located in
33 more than two (2) counties need only be approved by a majority of the
34 county fiscal bodies for the counties in which the district is located.

35 (f) A district may not issue bonds to be repaid, directly or indirectly,
36 with money or property tax revenue of the district until a majority of
37 the members of each of the county fiscal bodies within a district passes
38 a resolution approving the bond issue.

39 SECTION 7. IC 13-21-3-21 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) Before the
41 board of a district may adopt an annual budget, the budget must be:

42 (1) approved by the department of local government finance; and



(2) sent to:

(A) the executive; and

(B) the fiscal body;

of each county and municipality located within the district as a matter of record.

The district's budget is subject to the amount of funding provided by the counties participating in the district.

(b) For the 2018 budget year and thereafter, the fiscal body of each county that is participating in the district shall, as provided in IC 6-1.1-17-20(h), determine the amount of funding from all sources that the county will provide to the district for that budget year.

SECTION 8. IC 13-21-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A special taxing district is established in each solid waste management district established under IC 13-21-3 or IC 13-9.5-2 (before its repeal) for the purpose of providing persons within the district with solid waste management service.

(b) The special taxing district is coterminous with the territory of the district.

(c) Except as provided in subsection (d), a solid waste management district may not levy a property tax that is first due and payable after December 31, 2017.

(d) A solid waste management district may levy a property tax that is first due and payable after December 31, 2017, for the purpose of paying bonds described in section 9(b) of this chapter.

SECTION 9. IC 13-21-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a)** The board may **before July 1, 2016**, issue waste management district bonds under this chapter for the payment of the cost of the facility. Before authorizing the waste management district bonds, the board may:

(1) accept public bids for the facility; or

(2) adopt a resolution approving a request for proposals under IC 13-21-6.

(b) Except as provided in subsection (c), a board may not issue bonds under this chapter after June 30, 2016.

(c) Bonds issued under this chapter before July 1, 2016, may be refunded as provided in IC 13-21-10-1 if the maturity date of the refunding bonds is not later than the maturity date of the bonds issued under this chapter that are to be refunded.

SECTION 10. IC 13-21-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) **Subject to**



subsection (b), for the purpose of raising money to pay waste management district bonds issued under this chapter or IC 13-9.5-9-3 (before its repeal), the board shall levy each year a special tax upon all the real property of the district in the amount and the manner necessary to meet and pay the following:

(1) The principal of the waste management district bonds as the bonds severally mature.

(2) All accruing interest on the bonds.

(b) A tax may be levied under this section only to pay:

(1) waste management district bonds issued before July 1, 2016, under this chapter or IC 13-9.5-9-3 (before its repeal); or

(2) subject to section 2(c) of this chapter, bonds issued as provided in IC 13-21-10-1 to refund waste management district bonds described in subdivision (1).

~~(b)~~ **(c)** The tax constitutes the amount of benefits resulting to all of the property in the district.

SECTION 11. IC 13-21-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The tax levied **each year to pay bonds described in section 9(b) of this chapter** shall be certified to the following:

(1) The controller of the district.

(2) The county auditor of each county within the district.

(b) The:

(1) county auditor shall estimate and enter the tax levied and certified upon the tax duplicate; and

(2) county treasurer shall collect and enforce the tax;

in the same manner as county taxes are estimated, entered, collected, and enforced.

(c) As the county treasurer collects the tax, the tax shall be:

(1) transferred to the controller of the district;

(2) kept in a separate fund to be known as the waste management district bond fund; and

(3) applied to the payment of the principal of and interest on the waste management district bonds as the bonds become due and to no other purpose, except as provided in IC 5-1-13 and IC 5-1-14.

SECTION 12. IC 13-21-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) In fixing the amount of the necessary levy **to pay bonds described in section 9(b) of this chapter**, the board shall consider:

(1) the amount of net revenues, if any, to be derived from the collection of fees under this article; or



(2) any other net revenues collected under the following:

(A) IC 13-21-3-13.

(B) This chapter.

(C) IC 13-21-8 through IC 13-21-12.

(D) IC 13-21-14.

(b) Instead of making the levy or to reduce the amount of the levy, the board shall annually set aside by resolution the amount of the net revenues to be collected before maturity of the principal and interest of the waste management district bonds payable in the following year.

(c) If the board adopts this resolution under subsection (b), the board may not use any part of the amount set aside out of the net revenues for any purpose other than the payment of waste management district bonds and the interest on the bonds. A proportionate payment of this amount shall be made monthly to the fund.

SECTION 13. IC 13-21-14-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. A board may not impose a fee under this chapter that is first due and payable after December 31, 2017, and that:**

(1) is a flat charge for each residence or building in use in the county; or

(2) is otherwise imposed on a uniform basis on all residents or property owners.

SECTION 14. IC 13-21-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The board may fix the solid waste management fees on the basis of the following:

(1) **For fees first due and payable before January 1, 2018**, a flat charge for each residence or building in use in the waste management district.

(2) The weight or volume of the refuse received.

(3) The average number of containers or bags of refuse received.

(4) The relative difficulty associated with the collection or management of the solid waste received.

(5) Any other criteria that the board determines to be logically related to the service.

(6) Any combination of these criteria.

SECTION 15. IC 13-21-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 15. County Solid Waste Management Fees

Sec. 1. (a) A county fiscal body may impose solid waste management fees that apply to all persons owning real property or



generating solid waste within the county who are benefited by solid waste management, solid waste collection, a facility for solid waste disposal, or a facility for solid waste processing.

(b) The county fiscal body may change and readjust fees as necessary.

Sec. 2. (a) A fee imposed by a county fiscal body under this chapter may not take effect before January 1, 2018.

(b) A fee imposed by a county fiscal body under this chapter may only be:

(1) imposed as a flat charge for each residence or building in use in the county; or

(2) otherwise imposed on a uniform basis on all residents or property owners.

Sec. 3. The collection of the fees authorized by this chapter may be effectuated through a periodic billing system.

Sec. 4. (a) A fee may be established under this chapter only by the adoption of an ordinance by the county fiscal body after public notice and a public hearing before the county fiscal body at which:

(1) all persons using facilities, owning property, or generating solid waste within the district who are benefited by solid waste management; and

(2) other interested persons;

have an opportunity to be heard concerning the proposed fees.

(b) After the introduction of an ordinance fixing fees and before the ordinance is adopted, public notice of the hearing, setting forth the schedule of fees, shall be given. The hearing may be adjourned as necessary.

(c) After the hearing, the ordinance establishing fees, either as originally introduced or as amended, may be passed and put into effect.

(d) A copy of the schedule of fees established shall be kept:

(1) on file in the office of the county executive; and

(2) open to inspection by all interested persons.

(e) A change or readjustment of fees may be made in the same manner as the fees were originally established.

Sec. 5. An action to contest:

(1) the validity of the fees adopted; or

(2) the procedure by which the fees were adopted;

must be brought within thirty (30) days following the adoption of the fees under section 4 of this chapter.

Sec. 6. Counties may use fees imposed under this chapter only for one (1) or more of the following purposes:



1 **(1) Fees may be used to pay any of the following:**

2 **(A) The cost of facilities for solid waste management.**

3 **(B) The operation and maintenance of facilities, including**
 4 **making grants to a solid waste management district**
 5 **serving the county.**

6 **(C) The charges that may be pledged to the payment of**
 7 **principal of and interest on waste management facility or**
 8 **revenue bonds.**

9 **(2) Fees may be transferred to the district in which the county**
 10 **is participating.**

11 **Sec. 7. (a) If a fee established is not paid within the time fixed by**
 12 **the county, the amount, together with:**

13 **(1) a penalty of twenty-five dollars (\$25); and**

14 **(2) reasonable attorney's fees;**

15 **may be recovered in a civil action in the name of the county.**

16 **(b) If a fee that is imposed on a lot, parcel of land, or building is**
 17 **not paid within the time fixed by the county, the amount of the fee,**
 18 **together with a penalty of twenty-five dollars (\$25) and reasonable**
 19 **attorney's fees, is a lien on the lot, parcel of land, or building. The**
 20 **liens:**

21 **(1) attach;**

22 **(2) shall be recorded; and**

23 **(3) shall be collected and enforced;**

24 **in substantially the same manner as provided in IC 36-9-23-31**
 25 **through IC 36-9-23-32.**

26 **Sec. 8. A county may not exercise its authority under this**
 27 **chapter to impose a fee on the:**

28 **(1) owner of real or personal property that is used solely as a**
 29 **transfer station; or**

30 **(2) operation of a transfer station.**

